

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

February 10, 2011

TO: Internal File

THRU: Steve Christensen, Lead *SCC*

FROM: Joe Helfrich, Biology, Land Use, Cultural Resources *JH*

RE: Covol Midterm Review, Covol Engineered Fuels LLC, Dry-Coal Cleaning Facility, C0070045, WG3719

SUMMARY:

On December 29th, 2010, the Division notified Gina Rau, (Environmental Manager for Headwaters Inc), of the initiation of the Midterm review for the Covol processing facility. The review included:

- A. A review of the Plan to ensure that the requirements of all permit conditions, division orders, notice of violations (NOV's), abatement plans, and permittee-initiated Plan changes approved subsequent to permit approval or renewal (whichever was the most recent) were appropriately incorporated into the Plan document.
- B. Confirmation that the Plan had been updated to reflect changes in the Utah Coal Regulatory Program which have occurred subsequent to permit approval or renewal.
- C. A review applicable portions of the permit to ensure that the Plan contained commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.
- D. An evaluation of the compliance status of the permit to ensure that all unabated enforcement actions comported with current regulations for abatement; verification of the status of all finalized penalties levied subsequent to permit issuance or permit renewal, and verification that there were no demonstrated patterns of violations (POV's). This included an AVS check to ensure that Ownership and Control information was current and correct.

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E. An evaluation of the reclamation bond to ensure that coverage adequately addressed permit changes approved subsequent to permit approval or renewal, and to ensure that the bond amount was appropriately escalated in current-year dollars.

F. An evaluation of the permit for compliance with variances or special permit conditions and,

G. An optional technical site visit in conjunction with the assigned compliance inspector to document the status and effectiveness for operational, reclamation, and contemporaneous reclamation practices undertaken on predetermined portions of the disturbed area to minimize, to the extent practicable, the contribution of acid or toxic materials to surface or groundwater, and to otherwise prevent water pollution.

This memo will include a review of item A.

A. Page 1-5 of the MRP needs to be updated to reflect the current permit number assigned by the Division, C0070045 as required by **R645-301-112.410**. Page 3-5 and Appendix A, figure 3 in chapter 3 need to be updated to include the results of the Burrowing Owl survey that was conducted in the Spring of 2010 as well as any additional information included in the study completed by Mt. Nebo Scientific as required by **R645-300-143**. Additional studies or reports are often times submitted as an additional appendix so as to avoid pagination problems.

RECOMMENDATIONS:

Updates to the MRP noted in item A should be completed prior to approval of the midterm review.